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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ENIKO FIGUEROA, an individual,

Plaintiff,

vs.

GMAC MORTGAGE USA
CORPORATION; DEUTSCHE
BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RALI 2007QS9; EXECUTIVE
TRUSTEE SERVICES D/B/A ETS
SERVICES, LLC; and Does 1 – 10,
inclusive,

Defendants.

Case No. CV-12-6850- R (SHx)

**NOTICE OF WITHDRAWAL OF
MOTION TO REOPEN ACTION DUE
TO FAILURE TO CONSUMMATE
SETTLEMENT**

Date: December 17, 2012

Time: 10:00 AM

Ctrm: 8

Action Filed: August 9, 2012

**Order Closing Case Entered: October
11, 2012**

1 **TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE**
2 **ATTORNEYS OF RECORD:**

3 **NOTICE IS HEREBY GIVEN** that Plaintiff Eniko Figueroa (“Plaintiff”)
4 hereby withdraws its *Motion to Reopen Action Due To Failure to Consummate*
5 *Settlement* Docket #15 (the “Motion”) because the parties have consummated a
6 settlement. Plaintiff respectfully requests that the Court vacate the hearing on the
7 Motion currently set for December 17, 2012.
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10
11 Dated: December 10, 2012

Respectfully submitted,

12 WEINTRAUB & SELTH, APC
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14 By: /s/ Elaine V. Nguyen
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16 Daniel J. Weintraub
17 James R. Selth
18 Elaine V. Nguyen
19 Attorneys for Plaintiff,
20 ENIKO FIGUEROA
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PROOF OF SERVICE

Figueroa v. GMAC Mortgage USA Corporation, et al; Case No. 2:12-cv-06850 R (SHx)

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 11766 Wilshire Blvd., Suite 1170, Los Angeles, CA 90025. On November 9, 2012, I served the following document(s) by the method indicated below:

NOTICE OF WITHDRAWAL OF MOTION TO REOPEN ACTION DUE TO FAILURE TO CONSUMMATE SETTLEMENT

☒ BY CM/ECF ELECTRONIC DELIVERY: In accordance with the registered case participants and in accordance with the procedures set forth at the United States District Court, Central District of California website www.ecf.cacd.uscourts.gov

☐ by transmitting via facsimile on this date from fax number (310) 442-0660 the documents listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal.R.Ct 2003(3).

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, via Certified Mail return receipt requested, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date on postage meter date is more than one day after the date of deposit in this Declaration.

☐ by placing the documents(s) listed above in sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.

SUZANNE M. HANKINS
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Attorneys for Defendants
GMAC MORTGAGE, LLC, DEUTSCHE
BANK TRUST COMPANY AMERICAS, as
Trustee for RALI 2007QS9, and EXECUTIVE
TRUSTEE SERVICES, LLC, dba ETS
Services, LLC

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on December 10, 2012, at Los Angeles, California.

/s/ Elaine V. Nguyen

Elaine V. Nguyen